

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARCUS FINCH,

Plaintiff,

CIVIL ACTION NO. 08-12933

vs.

DISTRICT JUDGE ANNA DIGGS TAYLOR

**COMMISSIONER OF
SOCIAL SECURITY**

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendant.

/

**ORDER DENYING PLAINTIFF'S APPLICATION
FOR APPOINTMENT OF COUNSEL**

This is an appeal of the Commissioner's final decision to deny Social Security disability benefits to the Plaintiff. Plaintiff's Application For Appointment of counsel is before the court.

The Constitution of the United States does not require the automatic appointment of counsel for indigents in social security cases. Appointment of counsel in a civil proceeding is not a constitutional right and is justified only in exceptional circumstances. *Lanier v. Bryant*, 332 F.2d 999, 1006 (6th Cir. 2003); *Lavado v. Keohane*, 992 F.2d 601, 605-6 (6th Cir 1993). To determine whether exceptional circumstances justifying the appointment of counsel exist, courts consider the type of case and the ability of the plaintiff to represent himself. *Lanier*, 332 F.2d at 1006.

The Court declines to exercise its discretion to appoint counsel because Plaintiff's case is not exceptionally complex, and Plaintiff does not appear to be impaired in a way that prevents him from prosecuting his own case adequately.

The Court notes Plaintiff is not without options for retaining counsel. Plaintiffs, even indigent plaintiffs, regularly acquire counsel in Social Security cases without risking their own assets by entering into contingent fee agreements with local attorneys. Moreover, Plaintiff may be able to acquire legal services for free from one of a number of Legal Aid organizations in Michigan.

Plaintiff's Motion For Appointment of Counsel is DENIED without prejudice.

IT IS SO ORDERED.

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: July 18, 2008

s/ Mona K. Majzoub
MONA K. MAJZOUB
United States Magistrate Judge

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Marus Finch on this date.

Dated: July 18, 2008

s/ Lisa C. Bartlett
Courtroom Deputy